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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,581	08/17/2001	Mamoru Takikita	Q65636	7222

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/931,581	TAKIKITA, MAMORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**FINAL DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando in view of Hassett.

Regarding claim 1, Ando discloses a narrow band communication vehicle-mounted apparatus or mobile device (Fig. 2, 1) comprising (see Abstract); a radio-communication portion (Fig. 1, 9) for sending and receiving with an on-road device or immobile device (Fig. 2, 2) via an antenna (Fig. 2, 6) (col. 1, lines 19-27; col. 3, lines 54-63), a control microcomputer (Fig. 2, 7) for controlling various equipment and a nonvolatile memory (Fig. 2, 8) (col. 3, lines 54-63), wherein said control microcomputer inherently stores in said nonvolatile memory randomly generated communication registration identification data (LID; col. 1, lines 41-49) when communication is opened or when said apparatus starts up (Fig. 6: Start, 100; Fig. 7; col. 5, lines 21-31 and lines 41-43), and communication is performed using communication registration identification data stored in said nonvolatile memory in a case where said apparatus is in a communication range when said apparatus starts up (col. 5, lines 21-55; col. 6, lines 10-22; col. 7, lines 55-63).

Examiner bases inherency because Ando only teaches one (ROM/RAM) memory in the mobile device and since there is only one memory device the randomly generated communication registration identification data must be stored there.

Ando discloses the apparatus in a communication range when said apparatus starts up. However, Ando does not disclose a field intensity measuring portion for detecting a radio field intensity and communication is performed where said radio field intensity is in a communication range.

Hassett discloses a narrow band communication vehicle-mounted apparatus or in-vehicle component (IVC) (see Abstract; Fig. 2, 16) inherently comprising (col. 12, lines 34-46): a radio-communication portion for sending and receiving with an on-road device (Fig. 2, 18) via an antenna (Fig. 14A, 73), a field intensity measuring portion for detecting a radio field intensity (Fig. 14A, 76), a control microcomputer for inherently controlling various equipment (Fig. 14A, 70), and a nonvolatile memory (Fig. 14A, 88) (col. 8, lines 24-53), wherein said apparatus receives communication registration identification data (new T1 signal) when communication is opened or when said apparatus starts up (when receiving this new T1 signal) (col. 8, lines 35-48; col. 15, lines 7-22), and communication is performed using communication registration identification data received in a case where said radio field intensity is in a communication range when said apparatus starts up (when vehicle decides to exit an upcoming ramp and the apparatus receives a T1 signal data) (col. 14, lines 19-56; col. 14, line 65 - col. 15, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Andos to include a field intensity measuring portion for

Art Unit: 2614

detecting a radio field intensity and communication is performed where said radio field intensity is in a communication range as taught by Hassett. One of ordinary skill in the art would have been lead to make such a modification to include a field intensity measuring portion that detects radio field intensity and a radio field intensity that permits communication.

Regarding claim 3, the narrow band communication vehicle-mounted apparatus according to claim 1, wherein Andos further discloses said randomly generated communication registration identification data relates to an identification of the narrow band communication vehicle-mounted apparatus (col. 1, lines 41-49; col. 1, lines 59-67; col. 3, lines 35-39).

Regarding claim 4, the narrow band communication vehicle-mounted apparatus according to claim 1, wherein Andos further discloses said control microcomputer (CPU) stores in said nonvolatile memory randomly generated communication registration identification data (LID; Fig. 6, 100) only when said apparatus starts up (Fig. 6, START; mobile device executes the LID check processing immediately after entering the communication service area A) (col. 5, lines 21-31).

### ***Response to Arguments***

3. In response to Applicant's remarks that Ando does not teach 'said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data when communication is opened or when said apparatus starts up'. Examiner disagrees. Examiner interprets the term 'nonvolatile memory' to mean a ROM (read-only memory) that contains or stores programs, information, and data that is being used by the device. The CPU executes the LID check processing immediately after entering the communication service area A and the LID that is generated must be stored in the ROM/RAM of the mobile device since it is

Art Unit: 2614

the only memory device of the mobile device and the ROM/RAM stores information or data. In col. 5, lines 41-43, Ando further states 'The mobile device 1 checks at step 400 whether its own LID is the same as those of other LIDs currently being used'. Therefore, the LID must be stored in order for this check processing to occur. Further, the LID must be stored in the ROM since the CPU executes communication processing and data processing based on programs (e.g. the LID check processing program) stored in the ROM (Fig. 6; col. 3, lines 54-61; col. 5, lines 21-43).

4. Further, Applicant argues that Ando does not disclose 'wherein said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data only when said apparatus starts up'. Examiner disagrees. Ando discloses the mobile device starts up or executes the LID check processing when immediately after entering the communication service area A (Fig. 6; col. 5, lines 21-43) wherein the data must be stored in ROM because it is used later for LID check processing (col. 5, lines 41-43).

5. The drawing objections cited in the Non-Final action filed on 3-16-06 are withdrawn

6. Applicant's arguments filed 6-16-2006 on claims 1, 3, and 4 have been fully considered but they are not persuasive. Please see all rejection(s) above.

### ***Conclusion***

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2614

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see PTO-892 form.

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

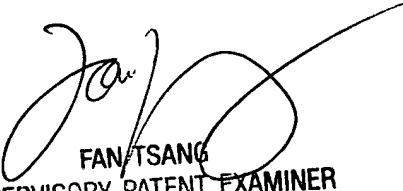
Art Unit: 2614

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

September 5, 2006

  
FAN TSANG  
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